

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Establishment – Transport Department – Sri R. Vivekananda Swamy, Transport Constable, Office of the Deputy Transport Commissioner, Eluru, West Godavari District – Appointment as Junior Assistant in relaxation of rules - Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Ms. No. 99

Dated: 06/07/2010

Read the following:-

1. A.P.Administrative Tribunal's Orders Dated 06/05/2009 in O.A.No.4475 of 2007 filed by Sri R.Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District.
2. Govt. Memo. No.4762/Ser.IV/2009-1, Dated 23/05/2009.
3. C.A.No.133/2010 in O.A.No.4475/2007 filed by Sri R.Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District.
4. Hon'ble A.P.High Court Orders Dated 04/06/2010 in W.P.No. 5169 of 2010 filed by the Department against the A.P.Administrative Tribunal orders Dated 06/05/2009 in O.A.No.4475 of 2007 filed by Sri R.Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District.
5. From the Transport Commissioner, A.P, Hyderabad Letter No.9527/C1/2005, Dated 08/06/2010.
6. Orders Dated 28/06/2010 in C.A.No.133/2010 in O.A.No.4475/2007 filed by Sri R.Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District.

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ORDER:-

The Transport Commissioner, in his letter 5th read above has inter-alia stated that Sri R. Vivekananda Swamy, Transport Constable has approached the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No. 4475 of 2007 to appoint him by transfer as Junior Assistant, in relaxation of the A.P.Ministerial Service Rules, 1988 on medical grounds since he is suffering from skin disease, which prevents him from exposure. The Hon'ble Tribunal vide its final orders Dated: 06/05/2009 passed the following orders:-

"When similarly placed persons are appointed as Junior Assistants by relaxing the rules, the same benefit has not been extended to the Applicant herein by Respondent No.1. In view of the above circumstances, the Respondent No.1 shall pass appropriate orders by extending the benefit given to Sri K.R.K. Varma, Transport Constable for appointment as Junior Assistant, to the Applicant, and pass necessary consequential orders for appointment as Junior Assistant in the existing vacancies within a period of eight weeks from the date of receipt of a copy of this order.

2. Aggrieved by the above orders, the Transport Department has filed an Appeal before the Hon'ble High Court and the Court in W.P.No. 5169 of 2010 was dismissed on 04/06/2010 directing the Government and concluded as follows:-

".....It is no doubt true that the applicant-first respondent is suffering from Poly Articular Arthral GIA due to Psoriatic Arthritis and also suffering from Ankylosing Spondilites of Lumbosatral Spine. It is also no doubt true that the applicant-first respondent made a written representation Dated 26/07/2005 requesting the second petitioner to consider his case for appointment by transfer by relaxing Rule 3(5) of the Rules as Junior Assistant on medical grounds but the second petitioner has not taken any action so far. Eventhough the applicant-first respondent is suffering with ailment no humanitarian approach was adopted but he has been discriminated without assigning any reasons for giving benefit of relaxation of Rule 3(5) of the rules for appointment as Junior Assistant. Therefore, we see no reasons to interfere with the order passed by the Tribunal and the Tribunal has rightly directed the first petitioner herein to pass appropriate orders by extending the benefit given to others, to the applicant-first respondent herein, within eight weeks.

Accordingly, the Writ Petition was dismissed. However, two weeks time is granted to petitioners for complying with the orders Dated 06/05/2009 passed in O.A.No.4475 of 2007 on the file of A.P.Administrative Tribunal, from the date of communication of this order."

Contd... on P.No.2

3. After careful consideration of the matter and keeping in view the Hon'ble Court Orders in the reference 1st, 4th and 6th read above, Government have decided to relax Rule 3 of A.P. Ministerial Service Rules 1998 issued in G.O.Ms.No.261, General Administration (Ser.B) Department, Dated 14/07/1998, in exercise of the powers conferred under Rule 31 of the Andhra Pradesh State & Subordinate Service Rules, 1996, in respect of Sri R. Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District for his appointment as Junior Assistant temporarily in an existing vacancy of his local unit in Transport Department, as a special case.
4. Accordingly, Government hereby relax Rule 3 of A.P. Ministerial Service Rules 1998 in exercise of the powers conferred under Rule 31 of the Andhra Pradesh State & Subordinate Service Rules, 1996 and order appointment by transfer of Sri R.Vivekananda Swamy, Transport Constable, O/o the Deputy Transport Commissioner, Eluru, West Godavari District as Junior Assistant temporarily in an existing vacancy of his local unit in Transport Department, on medical grounds and as a special case.
5. The individual is not eligible for Transfer Travelling Allowance and joining time and he shall take last rank in the latter category of Junior Assistants in the unit.
6. The Transport Commissioner, A.P., Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Transport Commissioner, A.P., Hyderabad.

The individual concerned through the T.C, A.P, Hyd.

Copy to:

General Administration (Ser.E) Department.

The Government Pleader for T.R&B, A.P.Administrative Tribunal, Hyderabad.

P.S. to Principal Secretary to Government (Transport).

SF/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER